



New York State Unified Court System

WebCivil Local - Case Detail

Court: **New York County Civil Court**
 Index Number: **CV-039754-05/NY**
 Case Name: **RUSHMORE RECOVERIES X LLC vs. PERALTA, DORIS**
 Case Type: **Civil**
 Classification:
 Filing Date: **08/25/2005**
 Disposition Date: **12/12/2005**
 Calendar Number:
 Jury Demand: **No**
 Judge Name:

Attorney/Firm(s) For Plaintiff - RUSHMORE RECOVERIES X LLC:

Houslanger & Associates
372 New York Ave
Huntington, New York 11743-
(914) 666-8100 ext:

Attorney Type: **Firm**

Attorney/Firm(s) For Defendant - DORIS PERALTA:

Self-Represented Litigant

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CONSUMER CREDIT TRANSACTION

IMPORTANT!! You Are Being Sued!! This is a Court Paper - SUMMONS.

Don't throw it away! Talk to a Lawyer right away. Part of your pay can be taken from your bank account. If you do not bring this to court, or see a Lawyer. Your property can be taken and your credit rating can be hurt!! You may have to pay other costs too!! If you can't pay for your own Lawyer bring these papers to this court right away. The clerk (personal appearance) will help you.

CIVIL COURT OF THE CITY OF NEW YORK - COUNTY OF NEW YORK

RUSHMORE RECOVERIES X, LLC

Plaintiff,

Index No.

-AGAINST-

Plaintiff's Residence **SUMMONS**

10 NEW KING STREET SUITE 205

WHITE PLAINS, NY 10604

DORIS PERALTA
42 THAYER ST APT 5D
NEW YORK, NY 10040

Defendant(s)

The Basis of Venue is: Defendant's Residence

To the above named defendant(s):

YOU ARE HEREBY SUMMONED to appear in the CIVIL COURT OF THE CITY OF NEW YORK - COUNTY OF NEW YORK, at the office of the clerk of the said Court at 111 CENTRE STREET in the county of NEW YORK, City and State of New York, within the time provided by law as noted below and to file your answer to the annexed complaint with the clerk; upon your failure to answer, judgment will be taken against you for the sum of \$1274.94 with interest on the sum of \$811.79 from 07-28-2005 and the costs of this action.

Dated 8/2/2005

By: Mel S. Harris/Seth Schlanger/Samantha Ackerman/David Waldman
Mel S. Harris and Associates, LLC
Attorneys for Plaintiff
116 John Street Suite 1510
New York, NY 10038
(212)571-4900 ext. 3998

Note the law provides that:

a) If this summons served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY DAYS after such service: or b) If this summons is served by it's delivery to any person other than you personally or is served outside the City of New York, or by publication, or by any other means other than personal delivery to you within the City of New York, you are allowed THIRTY DAYS after the proof of service is filed with the Clerk of this Court within which to appear and answer.



TRANSACCION de CREDITO del CONSUMIDOR

IMPORTANTE! USTED, A SIDO DEMANDADO!

ESTE ES UN DOCUMENTO LEGAL: UNA CITACION NO LA BOTE! CONSULTE CON SU ABOGADO ENSEGUIDA! PUEDEN QUITAR PARTE DE SU SALARIO (EMBARGARLO). SI USTED, NO SE PRESENTA EN LA CORTE CON ESTA CITACION LE PUEDEN CONFISCAR SUS BIENES, (PROPIEDAD) Y PERJUDICAR SU CREDITO! TAMBIEN ES POSIBLE QUE TENGA QUE PAGAR OTROS GASTOS LEGALES (COSTAS)! SI UD. NO TIENE DINERO PARA UN ABOGATO TRAIGA ESTOS PAPELES A LA CORTE INMEDIATAMENTE. VENGA EN PERSONA Y EL SECRETARIO DE LA CORTE LE AYUDARA.

CORTE CIVIL DE LA CIUDAD DE NUEVA YORK CONDADO DE NEW YORK,

RUSHMORE RECOVERIES X, LLC

Demandante,

No. de Epigrafe

against-

CITACION

La razon de haber designado esta Corte es:
10 NEW KING STREET SUITE 205
WHITE PLAINS, NY 10604

DORIS PERALTA

Demandado(s)

La transaccion de su creito tuvo lugar en el Condado de Residencia del Demandado

Residencia del Demandado

42 THAYER ST APT 5D

NEW YORK, NY 10040

Al demandado(s) arriba mencionado(s): USTED ESTA CITADO a comparecer en la Corte Civil de la Ciudad de Nueva York, Condado de NEW YORK a la oficina del jefe Principal de dicha Corte en 111 CENTRE STREET en Condado NEW YORK Ciudad y Estado de Nueva York, dentro del tiempo provisto por la ley segun abajo indicado y presentar su respuesta a la demanda adjunta al Jefe de la Corte; si usted no comparece a contestar se dictara sentencia contra usted por la cantidad de \$1274.94 con intereses sobre \$811.79 de 07-28-2005 incluyendo los costos de esta causa.

Dated 8/2/2005

By: Mel S. Harris/Seth Schlanger/Samantha Ackerman/David Waldman

Mel S. Harris and Associates, LLC

Attorneys for Plaintiff

116 John Street Suite 1510

New York, NY 10038

(212)571-4900 ext. 3998

NOTA: La ley provee que:

a) Si esta citacion es entregada a usted personalmente en la Cuidad de Nueva York, usted debe comparecer y responderia dentro de VEINTE dias despues de la entrega; o b) Si esta citacion es entregada a una persona que no fuera usted personalmente, o si fuera entregada afuera de la Cuidad de Nueva York, o por medio de publicacion, o por otros medios, que no fueran entrega personal a usted en la Cuidad de Nueva York, usted tiene TREINTA dias para comparecer y responder la demanda, despues de haberae presentado prueba de entrega de la citacion al Jefe de este Corte.



CIVIL COURT OF THE CITY OF NEW YORK - COUNTY OF NEW YORK

RUSHMORE RECOVERIES X,LLC
PLAINTIFF(S)

COMPLAINT

-AGAINST-


DORIS PERALTA

DEFENDANT(S)

Plaintiff by its attorneys, Mel S. Harris and Associates LLC, complaining of the defendant(s) respectively allege upon information and belief as follows:

1. Plaintiff, RUSHMORE RECOVERIES X,LLC a LIMITED LIABILITY COMPANY doing business within the State of NY.
2. Upon information and belief defendant(s) resides or is employed in the county in which this action is brought; or that the defendant(s) transacted business within the county in which this action is brought in person or through an agent and that the instant cause of action arose out of said transaction.
3. Upon information and belief that the defendant(s) entered into a Retail Charge Account Agreement with the CITIBANK wherein defendant agreed to pay CITIBANK all amounts charged to said account by the authorized use thereof.
4. Upon information and belief the agreement containing the terms and conditions governing the use of the charge account, including terms of payment was mailed to defendant(s).
5. Plaintiff, as purchaser and assignee of the account herein, owns and retains all beneficial rights and interests therein.
6. Upon information and belief thereafter defendant incurred charges by use of the said Charge Account in the sum of \$1108.64 no part of which sum has been paid, although duly demanded.
7. Defendant(s) having defaulted in payment under the terms of the agreement has incurred thereby agreed upon reasonable attorney fees of 15.00%, to wit: \$166.30.
8. There is now due and owing to plaintiff from defendant(s) the agreed total sum of \$1274.94 with interest on \$811.79 from 07-28-2005.

WHEREFORE, Plaintiff demands judgment against the defendant(s) for the sum of \$1274.94 together with interest on \$811.79 from 07-28-2005 plus the costs of this action.


Mel S. Harris and Associates LLC
Attorneys for Plaintiff
116 John Street Suite 1510
New York, New York 10038
(212)571-4900 ext. 3998



Samserv, Inc.
 147 Remsen Street
 Brooklyn, NY 11201
 Telephone: (718) 875-1133 Fax: (718) 875-5577
 License #: 0929611

ATTY REF NO:

553451-1



File No. 34102

CIVIL COURT OF THE CITY OF NEW YORK - COUNTY OF NEW YORK

-----X
 RUSHMORE RECOVERIES X, LLC

Plaintiff

Attorney: Mel S. Harris

-against-

Index Number:

DORIS PERALTA

Affidavit of Service

Defendant

-----X
 State of New York

County of Kings

BENJAMIN LAMB, residing in NEW YORK COUNTY, being duly sworn, deposes and states that she is over the age of eighteen years, not a party to this action, and has personal and firsthand knowledge of all matters stated herein.

That on Friday, the 19th day of August, 2005, at approximately the time of 4:54 pm deponent served the within Summons and Complaint at 42 THAYER ST APT 5D, NEW YORK, NY, 10040 apartment 5D a Residence on defendant DORIS PERALTA (herein after referred to as recipient) by delivering therat a true copy of each to , an individual of suitable age and discretion. That individual was also asked by deponent whether said permises was the recipient's actual place of Residence, reply was affirmative.


The person served was Male with Black hair and Brown skin, 21-35 years old, 5'4"-5'8", 161-200 Lbs, had a beard, had a mustache.

On Tuesday, the 23rd day of August, 2005 I served a copy of the papers stated herein by mail in a first class post paid envelope that bore the legend "Personal and Confidential" and did not indicate on the outside that the content was from an attorney or concerned an action against the recipient. The envelope was properly addressed to the defendants last known address at: 42 THAYER ST APT 5D . NEW YORK, NY, 10040 apartment 5D. Said envelope was deposited in an official depository under the exclusive care and custody of the U.S. Postal Service.

I asked the person served and upon information and belief I aver that the defendant is not in the military service and is not dependent on any person in the military service as that term is defined in either the State or Federal Statutes.

Sworn to before me this

24 day of Aug, 2005.


 WILLIAM MLOTOK
 NOTARY PUBLIC, State of New York
 No. 01ML5045548
 Qualified in Nassau County
 Commission Expires June 19, 2007

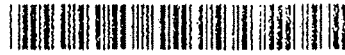
D - 05

B. A. 1071492

Samserv, Inc.
 147 Remsen Street
 Brooklyn, NY 11201
 Telephone: (718) 875-1133 Fax: (718) 875-5577
 License #: 0929611

ATTY REF NO:

553451-1



File N

24102

CIVIL COURT OF THE CITY OF NEW YORK - COUNTY OF NEW YORK

-----X
 RUSHMORE RECOVERIES X,LLC

Plaintiff

Attorney: Mel S. Harris

-against-

IndexNumber: 039754 CV 05

DORIS PERALTA

Affidavit of Service

8-25-05
Amended

Defendant

-----X
 State of New York

County of Kings

BENJAMIN LAMB, residing in NEW YORK COUNTY, being duly sworn, deposes and states that she is over the age of eighteen years, not a party to this action, and has personal and firsthand knowledge of all matters stated herein.

That on Friday, the 19th day of August, 2005, at approximately the time of 4:54 pm deponent served the within Summons and Complaint at 42 THAYER ST APT 5D, NEW YORK, NY, 10040 apartment 5D a Residence on defendant DORIS PERALTA (herein after referred to as recipient) by delivering therat a true copy of each to MS. EDWARD PERALTA, an individual of suitable age and discretion. That individual was also asked by deponent whether said premises was the recipient's actual place of Residence; reply was affirmative.

The person served was Male with Black hair and Brown skin, 21-35 years old, 5'4"-5'8", 161-200 Lbs, had a beard, had a mustache.

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I asked the person served and upon information and belief I aver that the defendant is not in the military service and is not dependent on any person in the military service as that term is defined in either the State or Federal Statutes.

Sworn to before me this

26th day of Aug, 2005.

WILLIAM MLOTOK
 NOTARY PUBLIC, State of New York
 No. 01ML5045548
 Qualified in Nassau County
 Commission Expires June 19, 2007

D - 06

3. 10/11/07